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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Western Division

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

ANDREW LEFT, AND
CITRON CAPITAL, LLC,

Defendants.

Case No. 2:24-cv-06311-SPG(JCx)

**PLAINTIFF SECURITIES AND
EXCHANGE COMMISSION'S
RESPONSE TO DEFENDANTS' *EX*
PARTE APPLICATION TO FILE
ENLARGED BRIEF**

1 Plaintiff Securities and Exchange Commission (“SEC”) files this Response to
2 the Defendants’ *Ex Parte* Application to File Enlarged Brief, filed on September 26,
3 2024.

4 The Defendants’ application seeks leave for the parties’ briefing on the motion
5 to dismiss to “contain[] an additional 3,000 words.” The SEC disagrees with a
6 number of the characterizations in the Defendants’ *ex parte* application, including
7 that “[t]his is the SEC’s first-ever enforcement action alleging fraud by omission
8 based on the allegation that a publisher of truthful information about companies must
9 also disclose private trading strategy with the truthful information published” and that
10 “[t]he Complaint raises novel questions of law that require an enlarged word count to
11 brief.” The SEC also disagrees that the Complaint’s allegations are “inconsistent
12 with Federal Rule of Civil Procedure 9(b)’s requirement to plead fraud with
13 particularity.” More importantly, none of the reasons provided in the Defendants’
14 application justify their request for *ex parte* relief.

15 This Court’s Standing Order provides that “Memoranda of points and
16 authorities in support of or in opposition to motions shall not exceed twenty-five (25)
17 pages. Replies shall not exceed fifteen (15) pages.” This Court’s Standing Order
18 does not impose a specific word limit, and L.R. 11-6.1 provides that “*except as*
19 *otherwise provided in this rule or ordered by a judge*, no memorandum of points and
20 authorities, pretrial brief, trial brief, or posttrial brief may exceed 7,000 words ...”
21 (emphasis added.) Defendants therefore seek an exception to a rule that does not
22 apply in this case, as their application does not indicate whether their brief will
23 exceed 25 pages.

24 In any event, the Court’s Standing Order sets a very high bar for granting this
25 request and Defendants have not shown good cause to justify either an increase to the
26 word limit or the page limit of the memoranda of points and authorities in support of
27 the parties’ briefing on the motion to dismiss. *See* Court’s Civil Standing Order at 11
28 (“Only *rarely* and *for good cause* shown will the Court grant an application to extend

1 these page limitations.”) (emphasis added).

2 Nonetheless, if the Court believes that Defendants have shown that some
3 increase is warranted, the SEC does not oppose an increase of 1,500 words, or no
4 more than five additional pages, for both the Defendants’ motion to dismiss and the
5 SEC’s opposition (but not Defendants’ reply papers), which will avoid unnecessary
6 excess.

7
8 Dated: September 27, 2024

/s/ Stephen T. Kam

STEPHEN T. KAM

Attorney for Plaintiff

Securities and Exchange Commission

PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

U.S. SECURITIES AND EXCHANGE COMMISSION,
444 S. Flower Street, Suite 900, Los Angeles, California 90071
Telephone No. (323) 965-3998; Facsimile No. (213) 443-1904.

On September 27, 2024, I caused to be served the document entitled **PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S RESPONSE TO DEFENDANTS' EX PARTE APPLICATION TO FILE ENLARGED BRIEF** on all the parties to this action addressed as stated on the attached service list:

☐ **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

☐ **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

☐ **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

☐ **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

☐ **UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated by United Parcel Service ("UPS") with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.

☐ **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

☒ **E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

☐ **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: September 27, 2024

/s/ Stephen T. Kam

STEPHEN T. KAM

SEC v. Andrew Left, et al.
United States District Court—Central District of California
Case No. 2:24-cv-06311-SPG(JCx)

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